

FILED
Clerk
District Court

FEB 29 2008

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

For The Northern Mariana Islands
By _____
(Deputy Clerk)

LAW OFFICE OF DOUGLAS F.
CUSHNIE, a sole proprietorship, and
DOUGLAS F. CUSHNIE, individually,

Plaintiffs,

vs.

BANK OF HAWAII and MARY ROE and
JOHN DOE,

Defendants.

and

BANK OF HAWAII,

Third-Party Plaintiff,

vs.

LUCH M. DL GUERRERO,

Third-Party Defendant.

Civil Action No. 07-0020

Order Re Case Management
Conference

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In accordance with Federal Rule of Civil Procedure 16 and Local Rule 16.2CJ,
each of the above-named shall be present at the Case Management Conference, set
for Friday, March 21, 2008, at 9:30 a.m.

1 The parties shall be prepared to discuss:

- 2 (a) Service of process on parties not yet served;
- 3 (b) Jurisdiction and venue;
- 4 (c) Track assignment;
- 5 (d) Anticipated motions;
- 6 (e) Anticipated or remaining discovery, including (1) limitation on discovery,
- 7 (2) and provisions for disclosure or discovery of electronically stored
- 8 information; and, (3) any agreements the parties reach for asserting
- 9 claims of privilege or of protection as trial-preparation material after
- 10 production;
- 11 (f) Further proceedings, including setting dates for discovery cut-off, pretrial
- 12 and trial;
- 13 (g) Appropriateness of special procedures such as consolidation of actions
- 14 discovery or pretrial, reference to a master or to arbitration, or to the
- 15 Judicial Panel on Multi-district Litigation, or application of the Manual for
- 16 Complex Litigation;
- 17 (h) Modifications of the standard pretrial procedures specified by this Plan
- 18 on account of the relative simplicity or complexity of the action or
- 19 proceeding;
- 20 (i) Settlement prospects;
- 21 (j) Any other matter which may be conducive to the just, efficient, and
- 22 economical determination of the proceedings, including the definition or
- 23 limitation of issues; and,
- 24 (k) Setting of dates for:
- 25 1. Joinder of all parties,
- 26 2. Motions to amend,
3. Discovery cut-off,
4. Status Conferences,
5. Discovery motion hearing date,
6. Dispositive motion cut-off,
7. Dispositive motion hearing date,
8. Settlement conference,

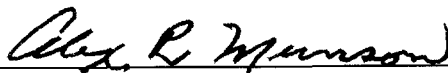
9. Joint pretrial order,
10. Final pretrial order,
11. Trial.

The Court recommends that this case be assigned to the Standard track as defined by Local Rule 16.2CJ.c.

The parties are reminded that the dates chosen at the conference will not be susceptible to subsequent easy change. Fed.R.Civ.P.16(b)(6) provides in part that a case management scheduling order "shall not be modified except upon a showing of good cause and by leave of the district judge[.]" To establish good cause, a party must generally show that even with the exercise of due diligence it cannot meet the order's time table. See e.g. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992). The liberal amendment policy of Fed.R.Civ.P. 15 no longer obtains once the case management scheduling order has been entered. See Coleman v. Quaker Oats Co., 232 F.3d 1271, 1294 (9th Cir. 2000).

IT IS SO ORDERED.

DATED this 29th day of February, 2008.



ALEX R. MUNSON

Judge